IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 19th day of July 2004
Bail application no. 145 **of 2004**
Order on the bail application of accused

CRIMINAL SIDE

Dharmendra S/o Sri Seva Ram
R/o Patari P.S. Kichha
District Udham Singh Nagar …Applicant

Versus

State of Uttaranchal …Opposite Party

Arising out of Case Crime No. 1443 of 2003
Under Section 304-B I.P.C.
Police Station Kichha
District Udham Singh Nagar

By the court

Hon'ble B.C. Kandpal, J.

Heard Sri M.S. Pal learned counsel for the applicant and learned A.G.A.

Perused the record.

As per the prosecution case, the applicant being the husband of the Gomti (deceased) committed the offence of causing death by administering her some poisonous material on 31.08.2003.

Learned counsel for the applicant has submitted that in fact the applicant and his other family members including the deceased (wife of the applicant) were spraying the pesticides in the field and while spraying the pesticides in the crop, they inhaled pesticides with the result the deceased (wife) as well as husband (applicant) become unconscious and were taken to the Hospital. The wife (deceased) died on the way while she was being carried to the Hospital.

The applicant has filed the copy of his medical report in support of his contention.

Perusal of the counter affidavit filed on behalf of prosecution, shows that the averments made in the application to this effect that the applicant and his wife (deceased) were spraying the pesticides in their crop over the field and got affected by the fumes of the same have not been denied. It has also been admitted that applicant was also admitted in the hospital with his wife.

Having considered all the aforesaid facts and circumstances of the case, it is a fit case for bail at this stage.

Let the applicant Dharmendra be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. Udham Singh Nagar.

(B.C. Kandpal, J.)

19.07.2004
ASWAL